

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

February 18, 2004

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened at 9:00 a.m., February 18, 2004, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andy Kunasek, Chairman, District 3; Fulton Brock, District 1; Don Stapley, District 2, Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present, Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain)

MINUTES

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to approve the minutes from meetings held on December 17, 2003.

PERSONNEL AGENDA

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to approve Flood Control District Personnel Agenda (Exhibit C).

EASEMENTS AND RIGHT-OF-WAY

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to approve easements, right-of-way documents, relocation assistance, and appraisal services contracts under \$5,000 per resolution FCD 87-12; escrow instructions per resolution FCD 87-13; license procedures and fee schedules per resolution FCD 97-02; and payment of tax notices per resolution FCD 97-07 for Flood Control purposes. (ADM1910)

Property Management - Agua Fria River (Per: Resolution FCD1999R016)

Item A-12052, Utility Easement from the Flood Control District of Maricopa County to the City of Avondale for the sum of \$1.00.

Item A-12052, Non-Exclusive Ingress and Egress Easement from the City of Avondale to the Flood Control District of Maricopa County for the sum of \$1.00.

Property Management - Guadalupe Highline Canal (Per: Resolution FCD1999R016)

Item GHC-1B-EX, Agreement for Option and Sale of Excess Real Property between Flood Control District of Maricopa County and the Town of Guadalupe for the sum of \$145,000.00.

INCREASE IN CONTRACT FOR SPECIAL LEGAL COUNSEL SERVICES WITH GRAHAM & ASSOCIATES, LTD.

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to approve an increase of \$300,000 to Contract FCD 2001C060, On-Call Special Legal Counsel Services, to Graham & Associates, LTD. Due to several complex condemnation litigations that are ongoing, the original \$225,000 for this contract, approved by the Board of Directors of the Flood Control District of Maricopa County on May 15, 2002, plus an additional amount of \$350,000, approved by the Board on February 19, 2003, is approximately one month from being depleted. The necessity for the contract

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amount increase is strictly for fiscal authority and is in compliance with the procurement code. This additional funding for this contract is estimated for the following existing eminent domain cases and litigations for FY 2004. (C6902094502)

- Bethany Home Outfall Channel Project - \$150,000
- Laveen Conveyance Channel Project - \$150,000

RESOLUTION – RIO SALADO OESTE PROJECT

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to adopt Resolution FCD 2003R010, Rio Salado Oeste (Project). The Resolution authorizes the Chief Engineer and General Manager of the Flood Control District of Maricopa County to prepare and negotiate Intergovernmental Agreements (IGAs) with the City of Phoenix (City) and others, as appropriate, for the coordination and cost sharing of the feasibility study being conducted by the U.S. Army Corps of Engineers (USACE). The total cost of the feasibility study is estimated to be \$3,882,000. The required non-federal funding match is estimated to be \$1,941,000 (50% of total cost). The City's estimated contribution is \$1,533,000. The City is requesting the District to participate in the study in the estimated amount of \$408,000 for FY 2003-2004. It is also being requested that the Board approve funding for the Rio Salado Oeste Project utilizing the District's current approved Capital Improvement Program (CIP) Project Reserve Budget. The funding will be provided by reducing the fund transfer from Flood Control Operating (Department 690 Fund 991) to Flood Control Capital Projects (Department 690 Fund 990) by \$408,000. This action will decrease total funding in the District's revised CIP Budget from \$53,942,000 to \$53,534,000, with a corresponding increase in the Eliminations Fund (Department 690, Fund 900). The operating fund 991 will remain the same. The net effect on the total District approved budget is \$0. (C69040596) (ADM1900)

RESOLUTION FCD 2003R010
RIO SALADO OESTE

WHEREAS, Arizona Revised Statutes Title 48, Chapter 21 allows the Board of Directors of the Flood Control District of Maricopa County (Board) to contract and cooperate with the United States, municipalities, political subdivisions, and others for the acquiring, constructing, maintaining and operating flood control projects; and,

WHEREAS, the Rio Salado Oeste Feasibility Study is being conducted by the U.S. Army Corps of Engineers and sponsored by the City of Phoenix within the Salt River from 19th Avenue to 83rd Avenue as shown on Exhibit A; and,

WHEREAS, the goal of the Rio Salado Oeste Feasibility Study is to assess the opportunities to reduce potential flood damages in conjunction with restoring, and preserving sustainable habitat features in the study area; and,

WHEREAS, the study will continue the concept of the upstream Rio Salado Environmental Restoration Project and maintain continuity with upstream channel design provisions including the low-flow channel and associated stream terraces; and,

WHEREAS, the District participated in the upstream Rio Salado Environmental Restoration Project; and,

WHEREAS, District staff has participated in the planning process as a team member in the study with the City of Phoenix and the U.S. Army Corps of Engineers; and,

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WHEREAS, the flood damage reduction components of the study are estimated at forty percent (40%) of the project costs; and,

WHEREAS, the total cost of the Rio Salado Oeste Feasibility Study is estimated to be \$3,882,000, and,

WHEREAS, the required non-federal funding match is estimated to be \$1,941,000; and,

WHEREAS, the estimated City of Phoenix contribution is \$1,533,000 toward the non-Federal fund match; and,

WHEREAS, the City of Phoenix is requesting that the District participate financially in the study in the amount of \$408,000 for Fiscal Year 2003/2004.

NOW, THEREFORE, BE IT RESOLVED that the Board authorizes and directs the Chief Engineer and General Manager of the District to negotiate and prepare intergovernmental agreements and/or agreements to participate in the Rio Salado Oeste Feasibility Study and cost share with the City of Phoenix, the U.S. Army Corps of Engineers, and/or others, as necessary for the study, subject to the ratification and approval of this Board. (C-69-04-059-6-00)

DATED this 18th day of February 2004.

/s/ Andy Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Exhibit A – Map available at Flood Control District

FUNDING FOR EXPANSION OF THE FLOOD CONTROL DISTRICT PLANNING PROGRAM

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to approve funding for an expansion of the Flood Control District of Maricopa County Planning Program utilizing the District's current approved Capital Improvement Program (CIP) Project Reserve Budget. The funding will be provided by reducing the fund transfer from the Flood Control Operating Fund (Department 690, Fund 991), to the Flood Control Capital Projects (Department 690, Fund 990), by \$890,000. This action will decrease total funding in the District's revised CIP Budget from \$53,534,000 to \$52,644,000, with a corresponding increase in the Elimination Fund (Department 690, Fund 900). The Operating Fund 991 will remain the same. The net effect on the total District's approved FY 2004 budget is \$0. Authorization of this request will assist the District in meeting its goals toward completing Area Drainage Master Plans (ADMP) and Watercourse Master Plans (WCMP) for all of Maricopa County. (C69040568) (ADM1915) (ADM1918)

AMENDMENT TO CONTRACT WITH URS CORPORATION

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to amend Contract FCD 2003C055 to URS Corporation (Consultant) to include Section entitled SECTION XVII - TRAVEL WITHIN THE CONTINENTAL UNITED STATES. The project design requirements include the use of geofilters and geomembranes to protect against embankment cracking. Specialist from out of state will be required to make technical presentations to the state and federal regulatory agencies in order to obtain approval of the design. These requirements were not originally identified in the scope of

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work. The language to be included reads: All travel shall have prior authorization in writing by the District. In the event interstate travel is required during performance on this contract, the following travel allowances shall apply. Every effort shall be made to purchase airfare tickets at least fourteen days in advance of the travel date, and airfare reimbursement will be limited to coach travel. No travel time will be reimbursed. The maximum per diem reimbursement shall be in accordance with the rates effective in "Per Diem Rates for Arizona, Effective October 1, 2003" from the U.S. General Services Administration (GSA) office, www.gsa.gov. The per diem rate reimbursement chart is included as part of the Exhibit B, Fee Schedule. (C6904061501)

SALE OF EXCESS PROPERTY TO TOWN OF GUADALUPE

Motion was made by Director Brock, seconded by Director Stapley, and unanimously carried (5-0) to approve and authorize the Chair to sign the Real Property Purchase and Sale Agreement of the Flood Control District of Maricopa County (District) excess parcel GHC-11-EX to the Town of Guadalupe for the sum of \$420,000. The sale of excess parcel GHC-11-EX was approved by the Board on September 10, 2003 (C6904031B). The parcel sale exceeds the \$250,000 value set by Resolution FCD 1999R016, approved by the Board on November 17, 1999 (C69000916), which authorizes the Chief Engineer and General Manager of the District to dispose of District-owned property with appraised fair market value less than \$250,000. (Addendum F-A-1) (C6904075B) (ADM1903-002)

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Andy Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board